In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 15157 of 2006
Date of Decision: September 21, 2006

Shamim Ahmed

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Neeraj Gaur, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The instant petition is directed against the advertisement dated 31.8.2006 (P-2) inviting applications for the post of Mali. The principal ground of challenge is that the petitioner was working on the aforementioned post from 1.7.2000 and his services were terminated on 10.6.2004. he sought regularisation of his services on 15.6.2004 by making representation to respondent No. 4 i.e. the District Horticulture Officer, Gurgaon. After termination of his services, he served a demand notice and the dispute was referred to the Labour Court by order dated 28.11.2005 (P-4). On the ground

that his reference is pending and he is likely to succeed, the advertisement of the post of Mali is sought to be staled.

Having heard the learned counsel we are of the considered view that the working of the department cannot be permitted to suffer. If the respondent department wishes to fill up the post of Mali, merely pendency of a reference before the Labour court in respect of the petitioner cannot be a ground to stall the appointment process by issuing advertisement. There is no ground to interfere. The petition is wholly frivolous and the same is dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

September 21, 2006
Pkapoor